

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12463, of Walter J. Schafer, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot width requirements (Sub-section 3301.1) to construct a new house. The property is in the R-1-A District at 2710 Brandywine Street, N. W., Lot 17, Square 2250.

HEARING DATE: July 26, 1977

DECISION DATE: August 3, 1977

FINDINGS OF FACT:

1. The application is for a variance from the minimum lot width requirements of the R-1-A Zoning District for property known as 2710 Brandywine Street, N. W., Square 2250, Lot 17.
2. The applicants intend to build a detached single family dwelling on the lot which is now unimproved.
3. The lot area is 10,915.63 square feet, far in excess of the minimum required of 7500 square feet.
4. The lot width averages 62.47 feet. The Zoning Regulations require a lot width of 75 feet. The applicant thus requires a variance of 12.53 feet or 16.71%.
5. The previous owner of the subject property, Marvin Pitkin, along with two other purchasers, entered into a contract in June of 1975 for the purchase of Lot 13 in Square 2250 contingent upon the purchasers receiving appropriate approvals of subdivision of said lot into three record lots (14, 15 and 16) each complying with the applicable Zoning Regulations. On July 29, 1975, as indicated in Book 164, page 26 among the Land Records of the Surveyor of the District of Columbia, said subdivision was recorded with the express approval of the Office of the Zoning Regulations Division, Department of Housing and Community Development. On the basis of such subdivision, the purchasers proceeded to settlement on the property.

After settlement, the boundary between Lots 15 and 16 were slightly modified and the new recorded Lots 17 and 18 were processed and approved through the District of Columbia Government with specific approvals by the Zoning Regulations Division as being in full compliance with the Zoning Regulations on February 9, 1976.

6. Mr. Pitkin, as the owner, in April of 1976 applied for and received a building permit for construction of a single family dwelling on Lot 17. The approval by the Zoning Regulations Division stated that once again the lot was in full compliance with the Zoning Regulations. After determination by Mr. Pitkin that he would not build his house, he sold the property in December of 1976 to the applicant. In January of 1977, the applicant applied for a building permit with knowledge of the previous approvals of the subdivision as well as the prior issuance of the building permit. However, after reinterpretation and application of the definition of width of lot for lot 17, by the Zoning Regulations Division, the applicant was told the lot no longer complied with such definition and that all previous approvals had been in error.

7. Lot 17 exceeds the minimum area requirements of the R-1-A District by over 3,200 square feet. The width calculations by the Zoning Regulations Division, fails to show that lot 17 meet the requirements by virtue of the narrowness of the front of the lot on Brandywine Street. This most narrow part of the lot for a distance of approximately 70 feet is 30 feet in width and functions solely as a pedestrian accessway and open space. The main portion of the lot on which the proposed house will be constructed has an average width far in excess of the 75 foot minimum. At this point lot 17 contains almost 11,000 square feet, but because of its shape, even though more than ample open space is provided, it cannot be used for building purposes unless a variance is granted.

8. The lot is uniquely and peculiarly shaped and because of its extreme topography must gain its vehicular access from a public alley at the rear.

9. There was opposition to the application on the part of property owners in the neighborhood on the grounds that if the proposed residence is built, it would adversely affect the use of neighboring property since the residence would be sited to the rear of the lot, close to the alley and not close to Brandywine Street in a manner similar to existing houses in the area. The opposition also argued that the applicant has no hardship since he has potential legal remedies he can pursue against the previous owner, and that traffic problems

would be worsened by a more intense use of the alley.

10. The owners of property immediately abutting lot 17 and in front of the location of the proposed building supported the application.


CONCLUSIONS OF LAW:

The variance requested is an area variance, dealing solely with lot width and requiring the showing of a practical difficulty. The variance derives from the narrow neck of the lot leading to Brandywine Street. The main area of the lot upon which the residence is planned to be built far exceeds the maximum width requirements of the Zoning Regulations. The Board concludes that applicant has established a practical difficulty in that the unusual shape of the lot renders it unusable for any purpose without the granting of the variance. The Board concludes that the arguments advanced by the neighborhood opponents are not sufficient to require the denial of the application. The Board further concludes that no adverse affect will result from the granting of the variance and in addition, such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith, Walter B. Lewis and William F. McIntosh to grant, Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: **23 SEP 1977**

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.